

REMARKS

Claims 1, 11, 14 and 18 have been amended. Claims 1, 11-14, 18 and 19 remain for further consideration. No new matter has been added.

The objections and rejections shall be taken up in the order presented in the Official Action.

1. Claims 11-14, 18 and 19 currently stand rejected for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter deemed to be the present invention.

Claims 11 and 18 have been amended.

2. Claims 1, 11-14, 18 and 19 currently stand rejected for allegedly being anticipated by Japanese Patent Publication No. 59117951 to Shinichi (hereinafter "Shinichi").

Claim 1

Amended claim 1 recites a gear arrangement operably arranged with a rotatable shaft. The gear arrangement includes:

"a first gear made of a first material and a second gear made of a second material different than the first material, where the first and second gears are disposed co-axially adjacent one another on the shaft, where the elasticity of the first gear is greater than that of the second gear, where the strength of the second gear is greater than that of the first gear, and where the first gear and the second gear are arranged on the shaft axially detached from each other such that the first and second gears rotate in the same direction relative to the shaft and independently of each other." (emphasis added; cl. 1)

Shinichi is incapable of anticipating amended claim 1. Specifically, upon a fair and proper reading, Shinichi fails to disclose the claimed feature of "*where the first gear and the second gear are arranged on the shaft axially detached from each other.*" (cl. 1; emphasis added). This claimed

feature recites structure and not function. Shinichi instead explicitly discloses that the gears 12, 13 are prepared “as an integral unit.” (See the “Constitution” paragraph of the Abstract; emphasis added). Shinichi also discloses that the gears 12, 13 are combined “so as to integrally use the gears as one gear.” (See the “Purpose” paragraph of the Abstract; emphasis added). Further, Shinichi discloses that “gear (13) made of an elastic material with a larger tooth thickness than that of gear (12) is integrated with said gear (12) to form a gear.” (See page 2 of the full translation of Shinichi, the “Application examples” section, first paragraph). Thus, Shinichi clearly teaches that the two gears 12, 13 are integrated to form a single gear or unit. Thus, Shinichi does not teach or suggest that the two gears 12, 13 are arranged on the shaft axially detached from each other, as in the present claimed invention. A 35 U.S.C. §102 rejection requires that a single reference disclose each feature of the claimed invention. Thus, for at least the reasons set forth above, Shinichi is incapable of anticipating amended claim 1.

Specifically, the Official Action contended that *“furthermore, Shinichi discloses within the abstract ‘When the gears 11, 12 are meshed, the gear 13 engages with the gear 11 always earlier before the gear 12 engages with the gear 11 ...’”* The Official Action then concluded from this that *“certainly the gears rotate independently in the time period between the initial engagement of gear 13 and before gear 12 has engaged, as claimed.”* (Official Action, pg. 4; emphasis added). However, the conclusion that the gears 12, 13 rotate independently of each other is incorrect. This is because the cited portion of the Abstract above is not taken in proper context as it fails to cite the entire sentence, which states that *“[w]hen the gears 11, 12 are meshed, the gear 13 engages with the gear 11 always earlier before the gear 12 engages with the gear 11 **by a distance of the larger thickness and rotates always in close contact,** eliminating a rapid change of transmission torque without backlash of the gear in its engagement, thus smooth transmission is capable.”* This is

referring to the fact that the gear 13 engages with the gear 11 always before the gear 12 engages with the gear 11 “by a distance of the larger thickness” of the gear 13 than that of the thickness of the gear 12, which can be clearly seen from FIG. 3 of Shinichi and which is explicitly stated in the Abstract of Shinichi (“*A gear 13, prepared as an integral unit with the gear 12 by an elastic material in a tooth thickness larger than that of the gear 12.*”). This does not mean that the gears 12 and 13 rotate independently of each other. Therefore, the conclusion in the Official Action that the gears 12, 13 rotate independently of each other is incorrect and is based on an impermissible interpretation of Shinichi.

As a result, it is respectfully submitted that the anticipation rejection of amended claim 1 is moot and should be removed, and that amended claim 1 is in condition for allowance and should be passed to issuance.

Claim 11

Since claim 11 currently stands rejected for the same reasons as claim 1, and since claim 18 has been amended similar to claim 1, the arguments above with respect to the patentability of amended claim 1 are applicable to the patentability of amended claim 11. As a result, it is respectfully submitted that the anticipation rejection of amended claim 11 is moot and should be removed, and that amended claim 11 is in condition for allowance and should be passed to issuance.

Claim 18

Since claim 18 currently stands rejected for the same reasons as claim 1, and since claim 18 has been amended similar to claim 1, the arguments above with respect to the patentability of amended claim 1 are applicable to the patentability of amended claim 18. As a result, it is

respectfully submitted that the anticipation rejection of amended claim 18 is moot and should be removed, and that amended claim 18 is in condition for allowance and should be passed to issuance.

For all the foregoing reasons, reconsideration and allowance of claims 1, 11-14, 18 and 19 is respectfully requested.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patrick O'Shea", written in dark ink. The signature is fluid and stylized, with the first letter of each name being capitalized and prominent.

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